

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

JOE GARCIA ESTRADA, §  
§  
Petitioner, §  
§  
vs. § C.A. NO. C-04-687  
§  
DOUGLAS DRETKE, et al., §  
§  
Defendants. §

**ORDER**

On this day came on to be considered Petitioner Joe Garcia Estrada's "Motion for the Court to Make Ruling on Plaintiff's Filed Petitions, Motions, Briefs and Amended Complaints Submitted and Filed and For Amend the Complaint Claims" (D.E. 136). For the reasons set forth below, Petitioner's motion is hereby DENIED.

Petitioner first filed this civil rights action against various Defendants on December 22, 2004 (D.E. 1). After extensive motion practice, on March 8, 2007, this Court adopted Magistrate Judge Brian L. Owsley's Memorandum and Recommendation to grant the Defendants' motion for summary judgment and to dismiss Petitioner's claims with prejudice (D.E. 129). On March 8, 2007, this Court entered final judgment DISMISSING all of Petitioner's claims (D.E. 130). The case was terminated on March 8, 2007.

Petitioner then filed various motions asking the Court to vacate or amend its final judgment in the case (D.E. 131, Motion to Vacate Order Adopting Memorandum and Recommendations; D.E. 133,

Motion for Default Judgment seeking to Vacate Final Judgment). The Court DENIED Petitioner's motions to vacate or amend the final judgment (D.E. 132, 134).

On July 2, 2007, almost four months after final judgment was entered DISMISSING Petitioner's claims, Petitioner has filed the instant motion before the Court. Petitioner appears to ask the Court to rule on pending motions in the case, and he asks that the Court allow for discovery on his claims and for the case to proceed to trial. The Court DENIES Petitioner's motion, because Petitioner has no claims remaining in this case for discovery or trial. All of Petitioner's claims have been DISMISSED with prejudice (D.E. 130). The Court DENIED all of Petitioner's attempts to vacate or amend the final judgment dismissing this case (D.E. 132, 134). Because there is no live case or controversy before the Court, the Court DENIES Petitioner's motion in its entirety.<sup>1</sup>

SIGNED and ENTERED this the 3th day of July, 2007.

  
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Janis Graham Jack  
United States District Judge

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<sup>1</sup>The Court also notes that Petitioner's motion is not clear, but it appears that Petitioner may seek to name additional Defendants not previously named in his civil rights complaint. Again, Petitioner has no live pleading in this case, final judgment has been entered, Petitioner's claims have been dismissed, and the case has been terminated. Petitioner cannot now name new Defendants to answer non-existent claims. Accordingly, the Court also specifically rejects Petitioner's request to name new Defendants in this action.